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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,360	03/23/2004	Karel Bostik	THAS130382	4770
26389	7590	01/11/2008	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			AMIRI, NAHID	
1420 FIFTH AVENUE			ART UNIT	PAPER NUMBER
SUITE 2800			3679	
SEATTLE, WA 98101-2347				
MAIL DATE		DELIVERY MODE		
01/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/806,360	BOSTIK, KAREL
	Examiner	Art Unit
	Nahid Amiri	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 October 2007.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 8/1 and 9/1 is/are withdrawn from consideration.
- 5) Claim(s) 2, 3/2, 4/2, 5/2, 6/2, 7/2, 8/2, and 9/2 is/are allowed.
- 6) Claim(s) 1, 3/1, 4/1, 5/1, 6/1, and 7/1 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 October 2007 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

In view of Applicant's Amendment received 24 October 2007, amendments to the claims have been entered. Claims 1-9 are pending.

Claims 8 and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 24 October 2007.

### ***Drawings***

The drawings were received on 24 October 20074. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 5/1, 6/1, and 7/1 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,967,906 Strizki.**

With respect to claim 1, Strizki discloses a shear a single-part shear coupling (22, Fig. 2) consisting of a cylindrical body (32) having a first end of a first diameter and a second end of a second diameter, the first diameter being larger than the second diameter; with a cylindrical hollow part of the body at the first end having an internal threaded cavity (32) and an externally threaded pin (44) defining the second end of the body (22) being weakened by a groove

providing a stress concentration point where the coupling will part when exposed to a predetermined desired load.

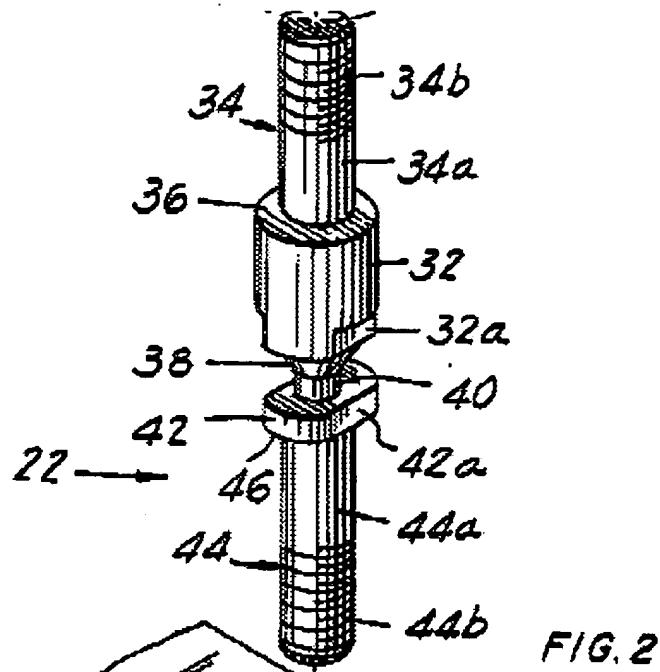


FIG. 2

With respect to claims 5/1, 6/1, and 7/1, Strizki discloses wherein the stress concentration point is provided by locally reducing the outside diameter of the body of the said coupling (22) and also locally enlarging the inside diameter of the body (32) of the said coupling (22).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3/1 and 4/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strizki as applied to claims 1, 5/1, 6/1, and 7/1 above, and further in view of US Patent No. 5,236,230 Mudge, Jr. et al.**

With respect to claims 3/1 and 4/1, Strizki discloses the claimed invention except for the surface of the groove is protected by corrosion preventing coating; wherein the inside surface of the cylindrical body of said coupling, opposite to the outside groove, is protected by corrosion preventing coating. Mudge Jr. et al. teach (Figs. 4A, column 14, lines 65-67) that the inner surface (14ab) of the tube (14) is coated with a protective corrosion barrier (14g). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the surface of the groove and the inside surface of the cylindrical body of the coupling opposite to the outside groove of Strizki with corrosion preventing coating as taught by Mudge, Jr. et al. in order to protect the coupling due to a moisture.

*Allowable Subject Matter*

Claims 2, 3/2, 4/2, 5/2, 6/2, 7/2, 8/2, and 9/2 are allowed.

- Claim 2, the prior art does not disclose that “a hollow cylindrical body having opposed ends and a bore extending between the opposed ends, with an internal thread in both of the ends of said body , which is weakened by a groove positioned between said threaded ends of the cylindrical hollow body”, lines 2-4.
- The prior art does not provide any teaching, suggestion or motivation to modify the prior art as such.
- The bore produces critical unexpected results (see applicant’s specification, paragraph 0015, lines 7-9) such that the limitation is not mere common sense or mere design choice.
- There is no cogent reasoning that is unequivocally independent of hindsight that would have led one of ordinary skill in the art at the time the invention was made to modify the prior art to obtain the applicant’s invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The election requirement is being withdrawn because allowable claim 2 is considered to be generic, and since the previously withdrawn claim 8 and 9 depend from claim 2, these claims are now rejoined and is allowable.

*Response to Arguments*

Applicant's arguments filed 24 October 2007 have been fully considered but they are not persuasive.

As to claim 1, Applicant argues that the frangible connection of Strizki is not positioned on the hollow cylindrical part. This is not persuasive.

Because the claim does not require the groove to be on the hollow cylindrical part. Rather, the claim merely states that the hollow cylindrical part is "weakened by a groove". A groove that weakens the hollow cylindrical part is clearly disclosed by Strizki. See Fig. 2. Apparently, applicant is attempting to rely on the specification to impact to the claims limitations otherwise not recited therein. This reliance is ineffective.

Applicant's remarks regarding what loads the shear coupling must be able to withstand are also not commensurate with the scope of the claims and thus have not been considered further.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-

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7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Na*  
Nahid Amiri  
Examiner  
Art Unit 3679  
January 3, 2008



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Drawing  
reviewed  
12.27.07  
R.O.

FIG.1

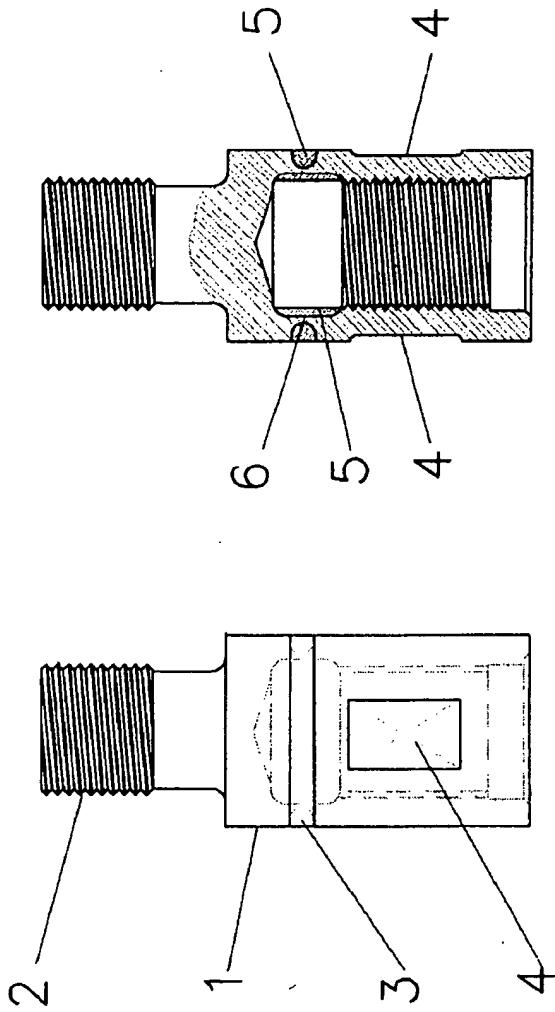


FIG.2

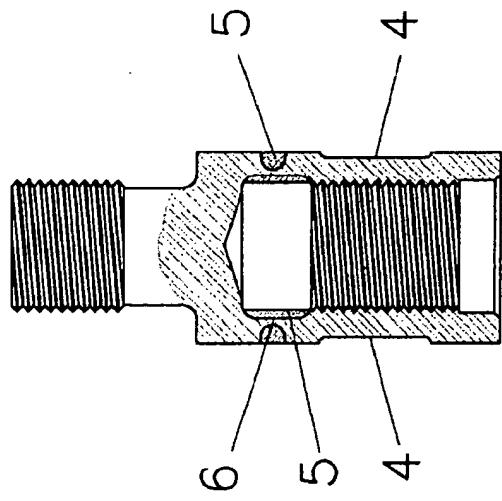


FIG.3

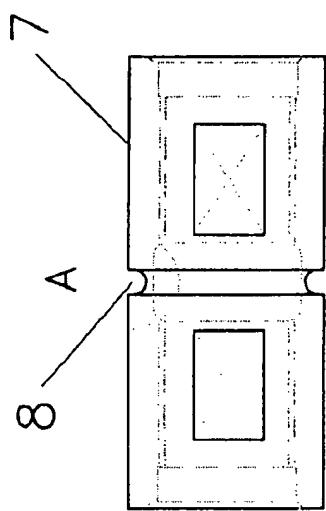
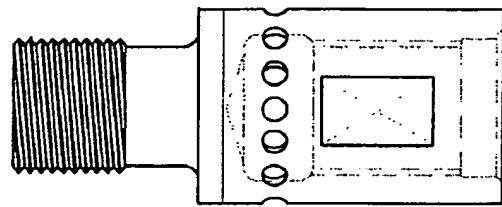


FIG.4

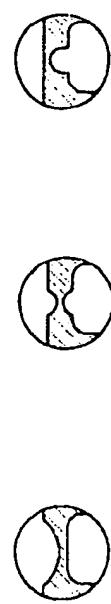


FIG.5B FIG.5C

